

Docket No.: SB-514

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/533,560	Confirmation No.:	4363
Inventor	: Gebhard Zobl, et al.		
Filing Date	: May 2, 2005		
Title	: Process for Producing a Molding		
TC/AU	: 1791		
Examiner	: Russell J. Kemmerle III		
Customer No.	: 24131		

Hon. Commissioner for Patents  
Alexandria, VA 22313-1450

P E T I T I O N   U N D E R   37   C F R   1.183

S i r :

Applicants herewith seek relief under the provisions of 37 CFR 1.183 for the following reasons:

- On October 1, 2009, applicants filed a *Notice of Appeal* together with a *Pre-Appeal Brief Request for Review*.
- A *Notice of Panel Decision* issued on November 2, 2009 ordering the application to proceed to the *Board of Patent Appeals and Interferences* thus requiring applicants to file a *Brief on Appeal* by the due date of December 1, 2010, or, calculated from the mail date of the *Panel Decision*, by December 2, 2010.
- Applicants never received the *Panel Decision*. Counsel did not become aware of the paper until a careful review of counsel's database and the PTO database was recently conducted.
- As proof of the non-receipt of the *Panel Decision*, applicants herewith submit, similar to 37 CFR 1.137(a) which is not yet applicable as stated below, a copy of the file

jacket (two pages), on which the receipt of the *Panel Decision* would have been entered had it been received, and a copy of the docket book page of December 2, 2009, the date on which the *Brief on Appeal* would have been due had the *Panel Decision* been received. Also submitted herewith is a declaration by counsel's office and docket administrator, Birgit Bartell, corroborating the afore-mentioned facts.

- The *Brief on Appeal* would now be due by March 2, 2010 with a three-month extension of time in the amount of \$1,110.00. As the non-receipt of the *Panel Decision* occurred through no fault of counsel, it is believed that applicant's request for relief under the provision of 37 CFR 1.183 is justifiable. It is further believed that 37 CFR 1.137(a) is not yet applicable.
- The petition is accompanied by the petition fee in the amount of \$130.00.
- Should any other fees be due for this submission, the Commissioner is hereby authorized to charge counsel's deposit account No. 12-1099 of Lerner Greenberg Stermer LLP.

A favorable decision is respectfully requested.

Respectfully submitted,

/Werner H. Stermer/  
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